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<p style="text-align: right;">Page 540</p> <p>1 Go ahead and answer within that constraint.</p> <p>2 THE WITNESS: Quite possible.</p> <p>3 BY MR. CORRELL:</p> <p>4 Q. Okay. Is there any timeline to reach</p> <p>5 a decision as to whether any modeling will be done by</p> <p>6 the District outside of the litigation, as it relates</p> <p>7 to 1921?</p> <p>8 A. I am not sure I understand your</p> <p>9 question. You're asking me if there's any plans for</p> <p>10 modeling outside of litigation to determine the</p> <p>11 impacts on a well from Chevron 1921?</p> <p>12 I'm not aware of any plans regarding 1921</p> <p>13 that are outside litigation.</p> <p>14 Q. So all the work that's being done for</p> <p>15 Chevron 1921 is part of the litigation?</p> <p>16 MR. MILLER: Objection. That calls for a</p> <p>17 legal conclusion. It's vague.</p> <p>18 What do you mean by "part of the</p> <p>19 litigation"?</p> <p>20 MR. CORRELL: Well, that's what he -- I'm</p> <p>21 just trying to follow-up on what the witness said.</p> <p>22 What did the witness mean when he said that.</p> <p>23 MR. MILLER: Well, that's not the question</p> <p>24 you asked.</p> <p>25 THE WITNESS: My understanding is that all</p>	<p style="text-align: right;">Page 542</p> <p>1 correct?</p> <p>2 A. Well, in the broadest sense, yes.</p> <p>3 But if you're asking me if the District has removed</p> <p>4 any molecules of contamination from the subsurface,</p> <p>5 the answer is "No."</p> <p>6 Q. Okay.</p> <p>7 A. Let me clarify. With the exception</p> <p>8 of sampling production wells in which there is</p> <p>9 contamination, I guess technically that's removing</p> <p>10 molecules from the subsurface, but that's not what</p> <p>11 I'm referring to.</p> <p>12 Q. Okay. Understood. The Hargis --</p> <p>13 other than the Hargis CPT testing, has the District</p> <p>14 undertaken any other physical action or -- let me ask</p> <p>15 it -- back it up.</p> <p>16 As part of the District's analysis of</p> <p>17 Chevron 1921, you and others have reviewed regulatory</p> <p>18 filings, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then there is a plan now for</p> <p>21 Hargis to go out and do some -- the CP testing,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And other than those two actions,</p> <p>25 those two types of actions, what has the District</p>
<p style="text-align: right;">Page 541</p> <p>1 of our work involving 1921 right now is -- is within</p> <p>2 the realms of our litigation.</p> <p>3 If there were no litigation, we would be</p> <p>4 doing -- it's likely we would be doing this work,</p> <p>5 anyway, because it's a groundwater contamination</p> <p>6 problem, and it has to be cleaned up. But because</p> <p>7 there is litigation, all of our activities</p> <p>8 surrounding Chevron 1921 is part of it.</p> <p>9 BY MR. CORRELL:</p> <p>10 Q. You mentioned that there was</p> <p>11 contamination from 1921 that has to be cleaned up.</p> <p>12 Has the District undertook any actions to clean up</p> <p>13 contamination from 1921 since your deposition in</p> <p>14 2008?</p> <p>15 A. Yes.</p> <p>16 Q. What actions have -- has the District</p> <p>17 taken to clean up contamination since June of 2008?</p> <p>18 A. The investigation process is part of</p> <p>19 an overall remedial program. There has to be</p> <p>20 investigation to determine the degree and extent of</p> <p>21 contamination so we can determine how to go about</p> <p>22 remediating the problem. And so our investigation is</p> <p>23 part of that process.</p> <p>24 Q. But the District has not undertaken</p> <p>25 any physical remediation of contamination from 1921,</p>	<p style="text-align: right;">Page 543</p> <p>1 done in relation to 1921?</p> <p>2 MR. MILLER: That's been asked and answered</p> <p>3 in a more general question that asked him to describe</p> <p>4 everything they have done. So the question has been</p> <p>5 asked and answered, at least as to the period since</p> <p>6 his last deposition, which is all this should be.</p> <p>7 The last question has no time limit. I</p> <p>8 trust you're not asking him for -- to repeat what he</p> <p>9 covered in his 2008 deposition. Can you rephrase,</p> <p>10 please.</p> <p>11 MR. CORRELL: Can you read the question</p> <p>12 back.</p> <p>13 (Record read as follows: QUESTION: And</p> <p>14 other than those two actions, those two types of</p> <p>15 actions, what has the District done in relation to</p> <p>16 1921?)</p> <p>17 BY MR. CORRELL:</p> <p>18 Q. Since 2008.</p> <p>19 MR. MILLER: And the same objections.</p> <p>20 BY MR. CORRELL:</p> <p>21 Q. Since June of 2008.</p> <p>22 A. I am sorry. The two actions you said</p> <p>23 were? Please reread.</p> <p>24 (Record read as follows: QUESTION: And</p> <p>25 other than those two actions, those two types of</p>

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1 actions, what has the District done in relation to
 2 1921 since 2008?)
 3 MR. MILLER: That's already been asked and
 4 answered. That was at the beginning of the
 5 deposition.
 6 Go ahead.
 7 THE WITNESS: The actions you described are
 8 the crux of the actions that I can talk about.
 9 Additional actions fall within privileged discussion.
 10 BY MR. CORRELL:
 11 Q. Why has it taken the District so long
 12 to determine that physical actions, such as CP
 13 testing, should be taken in relation to this site?
 14 MR. MILLER: It's argumentative. Vague.
 15 THE WITNESS: Actually, it hasn't taken that
 16 long to determine whether CPT testing should be
 17 conducted at this site, especially in -- relative to
 18 the time it's taken the defendants to actually do
 19 very much of anything at their own site, including
 20 investigation and remediation.
 21 MR. CORRELL: Okay.
 22 THE WITNESS: So in that time frame, it's
 23 actually been a very short time.
 24 BY MR. CORRELL:
 25 Q. As part of the CPT testing at Chevron

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1 1921, will Hargis test for TAME?
 2 A. Hmm. I believe so. I can't recall
 3 whether we discussed all of the compounds that Hargis
 4 is going to be testing for. I believe it covers
 5 the -- the spectrum of oxygenates.
 6 Q. As part of the CPT testing by Hargis
 7 at Chevron 1921, will the District be looking to
 8 determine what, if any, vertical component exists
 9 between the shallow and deeper aquifers?
 10 A. That's one of the things that we will
 11 be looking at with our CPT logs.
 12 Q. If we go to the Hargis proposal at
 13 page 6, under "Groundwater Assessment." It says,
 14 "The data collected during this assessment will be of
 15 sufficient quantity and quality to further delineate
 16 the extent of MTBE in groundwater."
 17 It says, "Further delineate." Is the extent
 18 of MTBE in groundwater at Chevron 1921 in some
 19 aspects delineated already?
 20 MR. MILLER: Vague as to what you mean by
 21 "some aspects" and "delineated" in the context of
 22 your question.
 23 BY MR. CORRELL:
 24 Q. You can answer.
 25 A. I thought you might rephrase your

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1 question.
 2 It hasn't been delineated. When they talk
 3 about "further delineation" in this context, they are
 4 referring to determining how much farther off site
 5 it's gone. But the fact that it's been identified
 6 that it's migrated off site, away from the source, is
 7 not -- it's not delineated. It's undelineated.
 8 Q. It then says, "This data, in
 9 conjunction with existing regional data, will be to
 10 evaluate the potential for migration of contaminants
 11 from sources at the selected sites to potential
 12 receptors along the groundwater pathway."
 13 Is that one purpose of the investigation?
 14 A. Yes. But this is a common failing
 15 with -- with consultants, is they use words like
 16 "potential" and "further," and other words like that,
 17 when, in fact, they could eliminate those words
 18 entirely.
 19 There are receptors, and there has -- there
 20 is migration. And delineation hasn't been completed.
 21 Q. Well, as you've testified for 1921,
 22 you have not yet tracked contamination from that site
 23 to a production well, correct?
 24 MR. MILLER: Objection. Vague as to what
 25 you mean by "tracked."

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1 And if he has testified to it, you shouldn't
 2 be asking it again. And it's not limited to the
 3 period post 2008, so it's asked and answered and
 4 irrelevant as framed.
 5 BY MR. CORRELL:
 6 Q. You said the word "potential for
 7 migration from groundwater contaminants from sources
 8 at the selected sites to potential receptors along
 9 the groundwater pathway." You could remove the word
 10 "potential"?
 11 A. Yes.
 12 Q. Did you discuss that with Hargis?
 13 A. No.
 14 Q. It says, "And support the evaluation
 15 of remedial alternatives for groundwater." Do you
 16 see that?
 17 A. Yes. The last part of that first
 18 paragraph.
 19 Q. And that is one purpose of the CPT
 20 testing?
 21 A. Yes.
 22 Q. Has there been any decision made at
 23 this point of any remedial activities that need to be
 24 taken by the District in relationship to 1921?
 25 A. I can't say. We have to look at the

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1 merits of the data. It's too premature to say
 2 whether we've decided whether we have to do that or
 3 not.

4 Q. Since June of 2008, has the District
 5 undertaken any analysis as to whether a release
 6 occurred at 1921 after May of 2000?

7 MR. MILLER: Counsel -- 2000? That clearly
 8 exceeds the scope of the deposition notice as
 9 permitted by Mr. Warner.

10 MR. CORRELL: I don't understand.

11 MR. MILLER: You're asking him about events
 12 between 2000 and the present.

13 MR. CORRELL: No. Then my question wasn't
 14 clear.

15 All I'm asking him about is since June of
 16 2008, has he done any additional analysis as to
 17 whether a release happened post May of 2000? What's
 18 he done since his last deposition to present, if any,
 19 on that topic.

20 MR. MILLER: That's a different question
 21 than you originally asked.

22 MR. CORRELL: Well, then I apologize,
 23 because that's the question I meant to ask.

24 THE WITNESS: Yes.

25 ///

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1 And I couldn't -- actually, I couldn't remember which
 2 site it was where I had seen this.

3 There was one indication. This is in the
 4 February 23, 2010 first quarter semi-annual progress
 5 groundwater monitoring report for this site. There
 6 is a graph for a well MW-13, and it indicates that
 7 TBA is increasing in that well. MW-13 is off the
 8 property, but it indicates a -- increasing
 9 contamination could indicate a new release. I can't
 10 tell when the release might have occurred, but it's
 11 not one that we had identified before in -- before
 12 2008 or earlier.

13 MR. CORRELL: May I see that, sir.

14 THE WITNESS: Yes. I have got it marked
 15 with a yellow tab here.

16 (Witness handing document to Counsel.)

17 BY MR. CORRELL:

18 Q. And the date of the spike to which
 19 you're referring, is that January '05 or January '09?

20 A. Let me see. No, it's actually -- the
 21 trend began prior to 2008, but it indicates that it's
 22 been a continuing trend upwards, indicating
 23 increasing contamination. So the trend itself was
 24 not identified until after my last deposition.

25 Q. And could that increasing trend of

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1 BY MR. CORRELL:

2 Q. What have you done?

3 MR. MILLER: Overbroad. Calls for a
 4 narrative.

5 Go ahead.

6 THE WITNESS: We have reviewed subsequent
 7 reports to 2008, looking for any indications of new
 8 spikes, new compounds, and just reviewing the data
 9 and any commentary from regulatory agencies, whether
 10 there's been any new Unauthorized Release Reports,
 11 although they are not in Geotracker. Mostly looking
 12 at the literature to see what the data indicate.

13 BY MR. CORRELL:

14 Q. In doing so, have you reached any
 15 conclusion since June of 2008 whether or not this
 16 site had a post May 2000 release?

17 A. I can't recall. I know that --

18 MR. MILLER: Do you need a minute to review
 19 documents before you answer? Because if you do, you
 20 should take the time.

21 MR. CORRELL: Definitely.

22 THE WITNESS: I do, but I don't think we
 23 need to go off the record. I'm just reviewing some
 24 notes that I have.

25 Yeah, there was one indication at this site.

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1 TBA indicate that MTBE is biodegrading at the site?

2 MR. MILLER: Objection. That calls for
 3 expert opinion.

4 If you have analyzed that and formed an
 5 opinion, you can answer. But you're not to start
 6 testifying as an expert, not based on prior work and
 7 analysis you've done, but based on his questions that
 8 call for expert opinion.

9 THE WITNESS: I don't think so. As counsel
 10 has commented, I'm not an expert in this area. But I
 11 don't think that that's what that indicates.

12 BY MR. CORRELL:

13 Q. And why not?

14 A. I don't see a changing trend in MTBE.
 15 And MTBE seems to be fairly stable in the well, at
 16 least for this short period, but we see an increase
 17 in TBA.

18 Q. Since June of 2008, have you reported
 19 to the OCHCA any opinions about a release that may
 20 have occurred at Chevron 1921?

21 A. No.

22 Q. Since your last deposition, have you
 23 seen any indication that additional remedial actions
 24 are occurring at the site?

25 MR. MILLER: Additional would be new

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<p>1 Q. Have you provided any comments on the</p> <p>2 proposed remedial action to either Chevron or the</p> <p>3 regulators since 2008?</p> <p>4 A. No.</p> <p>5 Q. Do you have any opinion whether the</p> <p>6 remediation system, DPE remediation system, is AN</p> <p>7 appropriate remediation system for the site?</p> <p>8 MR. MILLER: For this site, is part of your</p> <p>9 question?</p> <p>10 MR. CORRELL: Yes.</p> <p>11 THE WITNESS: It depends on what you mean by</p> <p>12 "appropriate."</p> <p>13 Is DPE going to contain and control the</p> <p>14 contamination that's been released at the site? In</p> <p>15 my opinion the answer is no.</p> <p>16 Is it appropriate for removing contamination</p> <p>17 from the subsurface? Yes, I guess any remedial</p> <p>18 technology that removes contamination is considered a</p> <p>19 good thing, but it is -- applying this -- this</p> <p>20 technology and only this technology is not preventing</p> <p>21 the threat to groundwater supplies and impact to City</p> <p>22 production wells.</p> <p>23 BY MR. CORRELL:</p> <p>24 Q. And why do you say that?</p> <p>25 MR. MILLER: That calls for a narrative, and</p>	<p>1 THE WITNESS: I don't know.</p> <p>2 BY MR. CORRELL:</p> <p>3 Q. And in your duties at the District,</p> <p>4 you haven't undertaken to perform that analysis?</p> <p>5 A. I have not.</p> <p>6 Q. Is there a technology that could be</p> <p>7 installed at the site that would contain</p> <p>8 contamination that you believe has already escaped</p> <p>9 the site?</p> <p>10 MR. MILLER: That calls for expert opinion.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: That's probably more expertise</p> <p>13 than I have, but it's hard for me to imagine that a</p> <p>14 remediation system installed at the site is going to</p> <p>15 capture and contain contamination that's already been</p> <p>16 detected in a production well.</p> <p>17 BY MR. CORRELL:</p> <p>18 Q. When did you reach your conclusion</p> <p>19 that remedial activities on this site, that are being</p> <p>20 conducted on this site, will not capture MTBE</p> <p>21 contamination that's already escaped?</p> <p>22 MR. MILLER: That asks him for potential</p> <p>23 events before 2008. It's impermissible. Please</p> <p>24 rephrase.</p> <p>25 MR. CORRELL: No. I'm going to ask him</p>
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<p>1 it's not limited to the period since his last</p> <p>2 deposition. It requires him to repeat testimony he's</p> <p>3 given before.</p> <p>4 BY MR. CORRELL:</p> <p>5 Q. Well, let me -- did you -- the</p> <p>6 opinion that you just gave, that the DPE system will</p> <p>7 not contain contamination on the site, did you have</p> <p>8 that opinion before June 2008?</p> <p>9 A. I didn't say that it would contain</p> <p>10 contamination on the site. We're talking about</p> <p>11 containing the contamination that's been released</p> <p>12 from the site. And that contamination has escaped</p> <p>13 the site. It's moved beyond the core remedial</p> <p>14 efforts at the site.</p> <p>15 Dual phase extraction involved some</p> <p>16 groundwater pumping, mostly it's vapor extraction,</p> <p>17 and so there is some groundwater control. But the</p> <p>18 radius of influence of a dual phase extraction system</p> <p>19 is not going to capture contained contamination that</p> <p>20 has migrated away from the site.</p> <p>21 Q. At this site would the DPE</p> <p>22 system that has been installed, will it contain</p> <p>23 the contamination on site?</p> <p>24 MR. MILLER: That calls for an expert</p> <p>25 opinion.</p>	<p>1 because I want to see if it was before or after 2008.</p> <p>2 I've got to lay the foundation.</p> <p>3 MR. MILLER: I'm sorry. But that's the same</p> <p>4 thing as taking discovery that could have been done</p> <p>5 in the last deposition, and the discovery master</p> <p>6 limited this deposition.</p> <p>7 MR. CORRELL: We don't know that yet, Duane.</p> <p>8 I don't know -- I'm just asking, did you reach your</p> <p>9 opinion before or after June of 2008. If he says</p> <p>10 before, you're probably right. If he says after,</p> <p>11 we're going to have some questions. Not that I'm</p> <p>12 trying to influence your answer.</p> <p>13 MR. MILLER: Yes, you are trying to take the</p> <p>14 deposition for the period before. I'm going to</p> <p>15 instruct him not to answer, consistent with</p> <p>16 Mr. Warner's ruling on how these depositions were to</p> <p>17 proceed.</p> <p>18 MR. CORRELL: Just so the record is very</p> <p>19 clear on the instruction, I'm going to ask you a very</p> <p>20 simple, straightforward question.</p> <p>21 Q. Did you reach the conclusion that</p> <p>22 remedial activity on this site would not capture</p> <p>23 off-site contamination after 2008?</p> <p>24 MR. MILLER: Same objection -- oh, after</p> <p>25 2008. Go ahead.</p>

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1 know.
 2 MR. MILLER: It's not in the topics as
 3 asked.
 4 MR. CORRELL: Whether such nuisance or
 5 trespass can be abated at a reasonable cost, that's
 6 topic D.
 7 Q. So let me ask you that straight up,
 8 out of the topic. So on Station 1921, can the
 9 contamination that has escaped from the site be
 10 cleaned up at a reasonable cost?
 11 MR. MILLER: Calls for a legal conclusion.
 12 Vague.
 13 Go ahead and answer, if you can.
 14 THE WITNESS: It depends on what you mean by
 15 "reasonable cost." It can be cleaned up. It can be
 16 cleaned up for a cost. Whether the cost is
 17 reasonable is -- is very subjective.
 18 In this case we don't know the extent of the
 19 contamination. We're unsure of the extent of the
 20 contamination. We don't know the degree of the
 21 contamination. That's why we're investigating it.
 22 And once we're able to collect information
 23 that will allow us to -- to decide on what size
 24 remediation system or what technology to apply, then
 25 we would have a better answer. But at this stage we

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1 don't know.
 2 BY MR. CORRELL:
 3 Q. So at this stage the District doesn't
 4 know what the cost will be to clean up the
 5 contamination that allegedly has left the site,
 6 correct?
 7 MR. MILLER: Objection. As asked, the
 8 question is argumentative. Vague and ambiguous. And
 9 lacks the appropriate time frame.
 10 You're not asking about work done since
 11 2008.
 12 THE WITNESS: At this stage I don't think
 13 anybody knows what it's going to cost to clean up the
 14 contamination that came from Chevron 1921, including
 15 the parties responsible for the contamination that
 16 came from 1921.
 17 BY MR. CORRELL:
 18 Q. And so, therefore, since we don't
 19 know what the cost is going to be yet, we can't make
 20 a determination as to whether the cost is going to be
 21 reasonable, correct?
 22 A. I --
 23 MR. MILLER: Argumentative.
 24 THE WITNESS: I don't think that's
 25 completely correct. That's going to require more

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1 expertise than I have and more experience at
 2 remediating these kinds of contamination problems
 3 than I have.
 4 We haven't made that estimation now. Or,
 5 should I say, District staff and District consultants
 6 have not made those kinds of inroads to determining
 7 what cost it's going to be.
 8 BY MR. CORRELL:
 9 Q. All right, sir, let's proceed to
 10 5401.
 11 Well, before we do that, we just went
 12 through a series of questions and answers on topic 9.
 13 We're here today to offer -- ask questions and get
 14 answers on three other stations.
 15 Would your answers be the same for the three
 16 other stations?
 17 MR. MILLER: Objection. Compound. Vague.
 18 Go ahead.
 19 MR. CORRELL: Well, let's --
 20 MR. MILLER: And I'm incorporating the
 21 objections I made to the individual questions.
 22 MR. CORRELL: I understand. Let me just --
 23 I just want to make sure we're on the same page of
 24 music, Duane. You're right; it is a compound
 25 question.

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1 I can either ask that general question for
 2 each site; I can ask it for the three sites, or we
 3 can go through the same line of questioning for each
 4 site. And I'm happy to do it any way you want. I'm
 5 trying to save everybody time.
 6 MR. MILLER: And I'm trying to avoid waiver
 7 of my prior objections.
 8 MR. CORRELL: Well, but can we agree to
 9 incorporate all your prior objections. You objected
 10 to compound, which is different. And, you're right,
 11 it is compound. And I can fix that. But that takes
 12 a lot of time.
 13 MR. MILLER: I am trying to be reasonable
 14 about this. I'm less interested in repeating the
 15 same answer than I am in making sure my objections
 16 are preserved. I thought I made that clear on the
 17 record.
 18 So if you want to get the answer with that
 19 understanding, it's fine.
 20 THE WITNESS: In general terms, the answer
 21 is the same. An important distinction, of course, is
 22 the fact that the other three stations that I believe
 23 we're going to be talking about today are not
 24 targeted for this next round of investigation;
 25 whereas, the one we just talked about is.

29 (Pages 604 to 607)

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<p>1 changed.</p> <p>2 Q. And prior to June 2008, had you</p> <p>3 looked at the monitoring well installation that was</p> <p>4 going to happen in the property west of the site?</p> <p>5 MR. MILLER: Objection. As asked, it's</p> <p>6 been -- it's outside the scope of Mr. Warner's order</p> <p>7 concerning this deposition. It explicitly seeks</p> <p>8 pre-deposition opinions. And it's impermissible.</p> <p>9 And it's not relevant.</p> <p>10 BY MR. CORRELL:</p> <p>11 Q. What do you mean by "your opinion had</p> <p>12 not changed"?</p> <p>13 A. My opinions that there doesn't seem</p> <p>14 to be an earnest interest in delineating the</p> <p>15 contamination from the site. I still hold that to be</p> <p>16 true.</p> <p>17 Q. Have you since June of 2008 sent any</p> <p>18 correspondence to the appropriate regulatory agencies</p> <p>19 critiquing the investigation/remediation activities</p> <p>20 at this site?</p> <p>21 A. I don't recall for certain. We have</p> <p>22 communicated with both the Water Board and the Health</p> <p>23 Care Agency on a number of sites. I don't recall</p> <p>24 whether this is one of the sites we've communicated</p> <p>25 on or not.</p>	<p>1 since June 2008 related to this site?</p> <p>2 A. This is one of the sites that was</p> <p>3 considered for investigation, this next round of</p> <p>4 investigation.</p> <p>5 Q. But was not selected?</p> <p>6 A. It was not selected.</p> <p>7 Q. And do you know the reasons this site</p> <p>8 was not selected?</p> <p>9 A. There were other sites selected. We</p> <p>10 had to create a short list. This was not one of them</p> <p>11 that made the short list.</p> <p>12 Q. And why do you say you had to create</p> <p>13 a short list?</p> <p>14 A. We can't investigate all the sites</p> <p>15 all at once.</p> <p>16 Q. And why is that?</p> <p>17 A. We don't have the resources.</p> <p>18 Having said that, this is a site that I'm</p> <p>19 recommending be on the next round of investigation.</p> <p>20 Q. When you say "recommending for</p> <p>21 the next round of investigation," when will the</p> <p>22 next round of investigation occur?</p> <p>23 A. We don't have detailed plans for the</p> <p>24 next round of investigation. It may be within the</p> <p>25 year, but it's unlikely that the next round would be</p>
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<p>1 Q. Were any of those communications</p> <p>2 since June 2008 in writing?</p> <p>3 A. Again, there have -- some</p> <p>4 communications have been in writing. I just can't</p> <p>5 recall whether it was on this site.</p> <p>6 Q. In your preparation for your</p> <p>7 deposition on this site, did you come across any</p> <p>8 communications between the District's -- the District</p> <p>9 and regulators concerning Chevron 9-5401?</p> <p>10 A. No, I didn't.</p> <p>11 Q. Since June of 2008, has the District</p> <p>12 incurred any cost related to outside consultants for</p> <p>13 this site?</p> <p>14 A. Since June 2008, yes, we have.</p> <p>15 Q. What costs has the District incurred?</p> <p>16 And I understand you don't know the amount. But just</p> <p>17 to whom has the District paid money related to this</p> <p>18 site?</p> <p>19 A. Hargis + Associates.</p> <p>20 Q. Any other consultant?</p> <p>21 MR. MILLER: This, again, is post 2008?</p> <p>22 MR. CORRELL: Post 2008.</p> <p>23 THE WITNESS: No, I don't believe so.</p> <p>24 BY MR. CORRELL:</p> <p>25 Q. And what activities has Hargis done</p>	<p>1 completed within the year.</p> <p>2 Q. Okay. And when you say "the next</p> <p>3 round," as I understand it, on the current testing,</p> <p>4 like we saw at 1921, there are a series of tasks that</p> <p>5 may be completed, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And some of those tasks are dependent</p> <p>8 upon what you find in a previous task, right?</p> <p>9 A. That's correct.</p> <p>10 MR. MILLER: It's been asked and answered.</p> <p>11 MR. CORRELL: I'm just trying to set the</p> <p>12 stage.</p> <p>13 Q. Now, this is what I'm trying to</p> <p>14 understand. Are you going to go through all the</p> <p>15 tasks in the first round to those ten sites before</p> <p>16 you start the second round?</p> <p>17 A. Not necessarily.</p> <p>18 Q. Has a decision been made which way</p> <p>19 you will go with that?</p> <p>20 A. No.</p> <p>21 Q. Has Hargis submitted a proposal for</p> <p>22 conducting CPT testing at Chevron 9401 [sic]?</p> <p>23 A. No.</p> <p>24 Q. Do you have your plume map for this</p> <p>25 site?</p>

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<p style="text-align: right;">Page 616</p> <p>1 A. I believe I do. Would you like to 2 see it?</p> <p>3 Q. Sure. It may help to ask a better 4 question. And mainly for you to see it. 5 Has Friedman & Bruya incurred any costs 6 relating to sampling wells in the vicinity of Chevron 7 9-5401 since June 2008?</p> <p>8 A. No.</p> <p>9 Q. Or the wells that are on the plume 10 map, of which Chevron 9-5401 is a part, are they 11 going to be included in the upcoming Friedman & Bruya 12 testing?</p> <p>13 A. Yes.</p> <p>14 Q. Since June 2008, other than the cost 15 attributable to Hargis, has the District incurred any 16 costs related to 5401?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what are those costs?</p> <p>19 A. That would be staff's time and 20 resources.</p> <p>21 Q. Okay. And since June 2008, have you 22 kept track of the staff time and resources to this 23 particular site?</p> <p>24 A. No.</p> <p>25 Q. Do you know if there's been any</p>	<p style="text-align: right;">Page 618</p> <p>1 call that?</p> <p>2 A. This is a Site Summary Report 3 prepared for Chevron Station 9-5401, prepared by 4 Hargis + Associates for Orange County Water District. 5 Q. Under it it says "Global I.D." and 6 gives a number. What does that mean?</p> <p>7 A. I believe that is an I.D. in the 8 Health Care Agency's or Regional Water Quality 9 Control Board's database. And it is specific to this 10 site.</p> <p>11 Q. Under "Key issues," the third bullet 12 point states that, "Low to moderate concentrations of 13 MTBE, 230 micrograms per liter and TBA as 6600" -- is 14 that micrograms per liter?</p> <p>15 A. Yes.</p> <p>16 Q. -- "are currently detected in 17 semi-perched aquifer groundwater beneath the site." 18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Upon receiving this report -- first 21 of all, you received this report, too, in February of 22 '09?</p> <p>23 A. I don't know exactly when we received 24 it. But I see that that is the date in the footer 25 for this document. So I believe we received it</p>
<p style="text-align: right;">Page 617</p> <p>1 expenditures out of the toxic reserve fund 2 represented to this site?</p> <p>3 A. I don't. I'm not sure whether the 4 toxic reserve funds is strictly for investigation, 5 remediation efforts, or whether it covers any of the 6 District's staff time.</p> <p>7 Q. Since June of 2008, have you come 8 across any new evidence of commingling of 9 contamination from site 5401 with the other sites 10 listed on your plume map for Plume 9?</p> <p>11 A. No. District staff and District's 12 consultants has not come up with any new information 13 or data on commingling.</p> <p>14 MR. CORRELL: I'd like to show what we will 15 mark as Exhibit 39. 16 (Exhibit No. 39 was marked.) 17 BY MR. CORRELL:</p> <p>18 Q. 5401 is a site which Hargis has 19 prepared a site report, correct?</p> <p>20 A. I am sorry. Will you say that again.</p> <p>21 Q. Site 5401 is a site for which Hargis 22 has prepared a site summary, correct? Site report.</p> <p>23 A. Yes. Yes.</p> <p>24 Q. And so, if I refer to these 25 correctly, if I look at Exhibit 39, what would you</p>	<p style="text-align: right;">Page 619</p> <p>1 approximately that time.</p> <p>2 Q. Okay. And did you agree with 3 Hargis's conclusions that low to moderate 4 concentrations have been detected?</p> <p>5 MR. MILLER: Objection. Vague and 6 argumentative.</p> <p>7 THE WITNESS: I didn't agree or disagree 8 that low to moderate concentrations were detected, 9 only that concentrations of MTBE and TBA were 10 detected.</p> <p>11 BY MR. CORRELL:</p> <p>12 Q. And as we discussed with the previous 13 site in which we saw Hargis + Associates report, did 14 you ever send Hargis anything in writing that you 15 disagreed with any conclusions in this report?</p> <p>16 A. No.</p> <p>17 Q. If you turn to page 2. The full 18 bullet point on that page talks about, "Production 19 well WM-RES2 is the nearest potentially vulnerable 20 production well, located approximately 1400 feet 21 north of the site."</p> <p>22 Do you know why in this report Hargis 23 only looked at one production well and in the other 24 report it looked at more than one?</p> <p>25 MR. MILLER: Calls for speculation. Lacks</p>

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<p>1 foundation.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. CORRELL:</p> <p>4 Q. Did you ask them -- did you ask</p> <p>5 Hargis, after reviewing this report, why production</p> <p>6 well WM-RES2 was the only one discussed under the</p> <p>7 "General Site Information Key Issues"?</p> <p>8 A. I honestly don't recall.</p> <p>9 Q. And if we go to page 11 -- actually,</p> <p>10 10. 10 mentions -- on page 10, at the bottom,</p> <p>11 mentions a couple of other wells, correct?</p> <p>12 A. In the bottom paragraph on page 10</p> <p>13 there are a couple of wells that are mentioned.</p> <p>14 Q. Okay. And then it goes, and page 11</p> <p>15 it talks about WM-RES2 again, correct?</p> <p>16 A. Yes.</p> <p>17 Q. It says, "MTBE and TBA have not</p> <p>18 historically been detected in this well."</p> <p>19 Since June of 2008 has MTBE been detected in</p> <p>20 WM-RES2?</p> <p>21 A. I'm sorry. I don't see where you're</p> <p>22 reading.</p> <p>23 Q. Page 11. The last sentence.</p> <p>24 A. Oh, the last sentence.</p> <p>25 Q. "MTBE and TBA have not historically</p>	<p>1 mark this as Exhibit No. 40.</p> <p>2 (Exhibit No. 40 was marked.)</p> <p>3 BY MR. CORRELL:</p> <p>4 Q. And you can verify whether yours says</p> <p>5 the same thing, not verbatim. But under "Potential</p> <p>6 Media Affected," what does the report that you</p> <p>7 printed off say, under "Potential Media Affected"?</p> <p>8 A. They both are the same. It says,</p> <p>9 "Other groundwater, open paren, (uses other than</p> <p>10 drinking water)," closed paren.</p> <p>11 Q. In reviewing the report that you</p> <p>12 printed off on Geotracker, did you have an</p> <p>13 understanding of what was meant by "Uses other than</p> <p>14 drinking water"?</p> <p>15 A. Actually, I didn't notice that part.</p> <p>16 Q. Have you seen that in other</p> <p>17 Geotracker reports you've reviewed?</p> <p>18 A. I don't -- I don't recall having seen</p> <p>19 that in other reports. It doesn't mean it's not</p> <p>20 there; I just don't recall having seen it.</p> <p>21 Q. Since June of 2008, has the District</p> <p>22 obtained any additional information that MTBE has</p> <p>23 escaped remediation at this site?</p> <p>24 A. Well, it's an indication that we can</p> <p>25 refer to the Geotracker report under the heading,</p>
Page 621	Page 623
<p>1 been detected in this well." And it cites OCWD WRMS</p> <p>2 data and Friedman & Bruya sampling results.</p> <p>3 My question is: Since June of 2008, has</p> <p>4 MTBE been detected in this well?</p> <p>5 A. No.</p> <p>6 Q. If we turn, as we did with the other</p> <p>7 Hargis report, to the appendix that talks about the</p> <p>8 Preliminary Service Station Summary Sheet, an</p> <p>9 eight-page appendix. I'm on page 2 of 8, Bates</p> <p>10 No. 403843.</p> <p>11 Actually, I don't have any questions on</p> <p>12 that.</p> <p>13 Was the Geotracker report something else</p> <p>14 that you looked at to prepare for your deposition?</p> <p>15 A. Yes.</p> <p>16 Q. And did you print off a current</p> <p>17 report from Geotracker when preparing for your</p> <p>18 deposition?</p> <p>19 A. Current. The date I printed it was</p> <p>20 August 15.</p> <p>21 Q. 2010?</p> <p>22 A. 2010.</p> <p>23 MR. CORRELL: I have a version, so I don't</p> <p>24 have to take yours, that's a few days before that.</p> <p>25 But you can keep yours out, if you want. We will</p>	<p>1 "Impediments to Closure." There are several</p> <p>2 statements made by Orange County Health Care Agency,</p> <p>3 since they are the lead agency on this site.</p> <p>4 And under "Site Assessment, Incomplete,"</p> <p>5 concerning the impediment to closure, it states that</p> <p>6 the extent of contamination has not been determined.</p> <p>7 And the -- under "Plume Instability" it</p> <p>8 states that groundwater contamination plume is not</p> <p>9 stable or not decreasing and verification monitoring</p> <p>10 is not complete. These are indicators of the ongoing</p> <p>11 problem.</p> <p>12 Q. Now, other than seeing the</p> <p>13 conclusions in the Geotracker report since 2008, has</p> <p>14 Orange County obtained any data that would indicate</p> <p>15 that contamination has escaped the site?</p> <p>16 MR. MILLER: You're talking about new data</p> <p>17 since 2008?</p> <p>18 MR. CORRELL: Yeah.</p> <p>19 MR. MILLER: You didn't say that, just so</p> <p>20 you know.</p> <p>21 THE WITNESS: No, I have no new data.</p> <p>22 BY MR. CORRELL:</p> <p>23 Q. Since 2008, has -- let me ask a</p> <p>24 broader question.</p> <p>25 Since June of 2008, what work, if any, has</p>

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1 the District done related to this site?
 2 A. Our District's consultant has
 3 evaluated this site for consideration to be included
 4 in our next round, our upcoming round of
 5 investigation.
 6 We have reviewed documents being generated
 7 by the defendants' consultants. We have been
 8 monitoring some of the data and been testing District
 9 monitoring wells and the groundwater producers' --
 10 groundwater production wells, testing for MTBE, and
 11 so on.
 12 Q. Has the District undertaken any
 13 remediation activities that are related to this site
 14 since June of 2008?
 15 A. Similar to my response to the same
 16 question on a previous site. The investigation is
 17 part of the remediation process. And so we have
 18 been -- all of our investigation activities,
 19 including the preparation for investigation, as well
 20 as the planning for investigation, are part of the
 21 remedial effort. However, we have not exercised any
 22 physical removal of any contaminants from the
 23 subsurface.
 24 Q. And the investigation activities
 25 you're talking about since 2008 has been to review

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1 and summarize the public filings?
 2 MR. MILLER: Objection. As asked, compound.
 3 Argumentative.
 4 THE WITNESS: No. It includes evaluating
 5 this site for including in the next round of
 6 investigation.
 7 BY MR. CORRELL:
 8 Q. Has a decision been made that this
 9 site will, in fact, be included in the next round?
 10 A. Yes.
 11 Q. Okay. And has the --
 12 A. I'm sorry. Maybe I misunderstood
 13 your question. Would you please ask that again.
 14 Q. Sure.
 15 Has a decision been made by the District
 16 that this site will be included in the next round of
 17 testing?
 18 A. No. It will not be included in the
 19 next round of testing. I misstated -- I
 20 misunderstood your question, so I answered you
 21 incorrectly.
 22 Q. You probably answered the question I
 23 meant to ask.
 24 Okay. And so let's just clear up the
 25 record.

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1 MR. MILLER: It's not included in the Hargis
 2 round, is what you're asking?
 3 MR. CORRELL: No.
 4 Q. I was asking, there's going to be a
 5 next round. The District is considering a second
 6 round of Hargis testing, correct?
 7 A. Oh. Yes. Okay. Let me clarify.
 8 There is an upcoming round of investigation.
 9 This site is not targeted for the upcoming round.
 10 There will be subsequent rounds of investigation.
 11 This site will be included in a subsequent round of
 12 investigation.
 13 Q. Now I'm going to focus on what -- can
 14 we call it round 2?
 15 A. We can call it round 2, if you wish.
 16 Q. Has a decision been made whether this
 17 site will be included in round 2 as opposed to round
 18 3, or 4, whatever?
 19 A. Not a final decision.
 20 Q. And has a decision, in fact, been
 21 made definitively to conduct a round 2 test?
 22 A. No. Because that decision really
 23 does require Board of Directors' approval. And so
 24 until we get Board of Directors' approval, that would
 25 be actually the point at which a definitive decision

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1 is made.
 2 However, I have no reason to believe that
 3 the Board of Directors would not approve staff's
 4 recommendation to do an investigation, and the
 5 investigation will in all likelihood include this
 6 site.
 7 Q. For round 2?
 8 A. For round 2.
 9 Q. And then before you can make a
 10 definitive decision, you would need Hargis to come up
 11 with a proposal?
 12 A. Hargis or a consultant, whoever we're
 13 using, will have to provide a proposal to us.
 14 Q. So there hasn't been a decision made
 15 whether or not to use Hargis for this second round of
 16 this type of testing?
 17 A. None of those things have been
 18 determined yet. We have no reason to think they
 19 wouldn't, but....
 20 Q. What current remediation activities
 21 are happening at the site?
 22 MR. MILLER: Overbroad. Calls for a
 23 narrative.
 24 Go ahead.
 25 THE WITNESS: No active remediation

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<p style="text-align: right;">Page 640</p> <p>1 And if we go to page 8 of 10, the previous 2 station that we were discussing, Chevron 5568, is 3 listed under plume 72. 4 And the accrual date is listed as October 5 1997. Did you prepare the accrual chart? 6 A. I did a portion of the accrual chart. 7 Q. Were you the person that reached the 8 conclusion that the accrual date was October '97 in 9 this -- for this site? 10 A. I honestly don't recall. 11 Q. All right. 12 A. And I forgot to ask about the other 13 exhibit downstairs. 14 Q. Okay. 15 MR. MILLER: Do we need to get something? 16 THE WITNESS: No. 17 MR. CORRELL: No. This was something from a 18 previous site that they were making a copy of so he 19 could take his home with it. 20 THE WITNESS: I was going to pick it up on 21 the way up. I forgot to ask. 22 MR. CORRELL: I will get it when we finish 23 this site. 24 Q. Since June of 2008, have you 25 learned -- has the District incurred any cost related</p>	<p style="text-align: right;">Page 642</p> <p>1 A. Let me confirm that. I didn't just 2 lie, did I? I don't think it was. 3 Q. You would go straight to jail if you 4 did. I'm sorry. That's the way the system works. 5 A. That would be a new experience. 6 MR. MILLER: Charles, you're going to jail. 7 THE WITNESS: I'll try anything once. 8 No, it was not selected. 9 MR. MILLER: Shall we have a beer now or 10 later? 11 BY MR. CORRELL: 12 Q. And do you know why the site was not 13 selected? 14 A. No. There were other sites that were 15 selected. This just didn't make the list for this 16 next round of investigation. 17 Q. Does the -- since June 2008, has the 18 <u>District undertaken any remedial actions at this</u> 19 <u>site?</u> 20 A. Similar to the other sites. Our 21 evaluation, investigation, ongoing monitoring of 22 <u>activities at the site and monitoring water levels</u> 23 <u>and analytical data for the nearby production wells</u> 24 <u>and monitoring wells, all of that is part of the</u> 25 <u>overall remedial process.</u></p>
<p style="text-align: right;">Page 641</p> <p>1 to Unocal 5123? 2 A. Yes. 3 Q. And what are those costs? 4 A. Similar to Chevron 5401, I think it 5 is the District's staff time and District's 6 consulting time. 7 Q. Well, and that District consultant 8 would be limited to Hargis + Associates? 9 A. That's correct. 10 Q. Now, Komex had previously issued a 11 summary of this site, correct? 12 A. Yes. 13 Q. Was Hargis asked to do a summary of 14 this site? 15 A. No. They were asked to review 16 Komex's work and then prepare summaries for other 17 sites. 18 Q. Okay. Were all the tasks that 19 Hargis + Associates did related to this site, 20 reviewing the Komex report? 21 A. No. They also considered this site 22 for the upcoming round of investigation. 23 Q. And was this site selected? 24 A. No, it was not. 25 Q. And why wasn't this site selected?</p>	<p style="text-align: right;">Page 643</p> <p>1 <u>However, the District has not exercised any</u> 2 <u>active remediation at the site or -- such as to</u> 3 <u>remove molecules of contamination from the</u> 4 <u>subsurface.</u> 5 Q. Since June of 2008, have you seen any 6 data to indicate there was a post May 2000 release at 7 this site? 8 MR. MILLER: Objection. Assumes facts not 9 in evidence he's done the analysis. 10 Go ahead and answer, if you can. 11 THE WITNESS: Give me just a minute to check 12 my notes, please. 13 Make sure I heard the question correctly. 14 Would you please repeat the question. 15 MR. CORRELL: I will just ask it again. 16 Q. Since June of 2008, have you seen any 17 evidence indicating that a release occurred at this 18 site after May of 2000? 19 A. Yes. 20 Q. Okay. What evidence is that? 21 A. In a report, First Quarter 2010 22 Groundwater Monitoring Report prepared by ARCADIS, 23 the defendants' consultant for Chevron -- I'm sorry, 24 for Unocal Station 5123. On page 7 of that report it 25 talks about the remediation system ongoing, and it</p>

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1 makes a statement that -- in the paragraph on page 6,
2 spills onto page 7, it says, "Due to a discharge
3 exceedance report in July 2009, the DEP system was
4 shut down until the exceedance issues are resolved or
5 alternative remedial technology are evaluated for the
6 site."

7 My understanding is that that suggests that
8 there was contamination that had escaped the
9 remediation system itself.

10 Q. Okay. When was the site closed as a
11 gas station?

12 MR. MILLER: Counsel, with all due respect,
13 that's not limited to information gathered since 2008
14 and was covered, in all likelihood, in the prior
15 deposition.

16 THE WITNESS: I don't know the answer to
17 that question.

18 BY MR. CORRELL:

19 Q. Okay. Any other indications that
20 you've seen since June of 2008 that there has been a
21 post May 2000 release of gasoline containing MTBE or
22 TBA at the site?

23 A. No.

24 Q. And the release that you referred to
25 there, was it of gasoline containing MTBE or of MTBE

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1 [sic]?

2 A. I don't know what the release
3 consisted of, only that there was a release, and it
4 came from the remediation system that is designed to
5 treat for gasoline and those compounds.

6 Q. When Hargis reviewed the Komex
7 report, was it -- was part of its task to determine
8 whether or not it agreed with the statements
9 contained therein?

10 MR. MILLER: Vague. Compound.

11 THE WITNESS: I don't think we asked them to
12 decide whether they concurred with the statements
13 made by Komex, so much as to provide us with updates
14 or any new information, since Komex had prepared
15 their summary.

16 BY MR. CORRELL:

17 Q. Did Hargis provide any new
18 information or update related to this site?

19 A. Nothing in writing.

20 Q. What did it report orally, if
21 anything?

22 A. I don't recall. Only that anything
23 that they reported was not a surprise to me or of
24 significant change.

25 Q. What remediation activities, if any,

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1 does the District plan to do at or related to this
2 site in the future?

3 A. Well, it was going to investigate
4 this site. What sort of remediation activities
5 remain to be seen, and they will be pertinent or
6 subsequent to our -- at least the initial part of the
7 investigation will make that determination.

8 Q. Since June of 2008, have you seen any
9 evidence to indicate that contamination has left this
10 site?

11 MR. MILLER: Ever? Or since 2008?

12 MR. CORRELL: Since June 2008.

13 THE WITNESS: Yes, we've seen some
14 indicators.

15 BY MR. CORRELL:

16 Q. Since June of 2008?

17 A. Yes.

18 Q. Okay. And what are those indicators,
19 sir?

20 A. The Water Board has identified -- I'm
21 referring to Water Board Geotracker database, a
22 Geotracker report that I printed out on August 15,
23 2010, in preparation for this deposition -- reports
24 "Impediments to closure, include site access is
25 incomplete by way of the extent of contamination has

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1 not been determined and potential risk, threats and
2 other environmental concerns have not been adequately
3 identified and assessed."

4 And then for regarding the plume
5 instability, they state that, "Groundwater
6 contamination plume is not stable or not decreasing,
7 and that there is a significant rebound in
8 concentrations after remediation and that
9 verification monitoring is not complete."

10 This indicates to me that contamination is
11 still moving -- still migrating and still escaping
12 the site.

13 MR. CORRELL: And I'd like to mark as
14 Exhibit No. 43, I believe a copy of that report that
15 we printed out on August 5th. So a few days -- ten
16 days before you printed it out.

17 (Exhibit No. 43 was marked.)

18 BY MR. CORRELL:

19 Q. And those statements that you read
20 from the August 15 printout on included in
21 Exhibit 43, correct?

22 A. Yes, it appears they are the same
23 statements.

24 Q. And other than the regulators'
25 conclusions there in the Geotracker report, have you

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REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition.

DAVID P. BOLIN, VOLUME II, 30(b)(6) was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; pages 211 through 492 of the testimony of said witness were reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, 2010.

SANDRA BUNCH VANDER POL, RMR, CRR
Certified Shorthand Reporter
Certificate No. 3032

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

DAVID P. BOLIN DATE

Subscribed and sworn to before me this

_____ day of _____, 20____.

My commission expires: _____

Notary Public

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LAWYER'S NOTES

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44 (Pages 664 to 667)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether :
("MTBE") : Master File
Products Liability Litigation : No. 1:00-1898
: MDL No. 1358 (SAS)
: M21-88

This document relates to the :
following case: :

Orange County Water District v. :
Unocal Corp., et al., 04 Civ. 4968 : VOLUME IV
(SAS) : Pages 668-945

CONFIDENTIAL - (PER 2004 MDL 1358 ORDER)

MONDAY, AUGUST 23, 2010

Videotaped Deposition of DAVID P. BOLIN,
Volume IV, Orange County Water District's 30(b)(6)
designee in re Site Specific Station Investigations,
held in the Law Offices of Latham & Watkins, 650 Town
Center Drive, 20th Floor, Costa Mesa, California
beginning at 9:08 a.m.

Reported by:
Sandra Bunch VanderPol, CSR #3032
Certified Realtime Reporter
Registered Merit Reporter
Realtime Systems Administrator credentialed
Fellow, Academy of Professional Reporters

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

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1 Go ahead.
 2 THE WITNESS: Oh, I can't be certain of the
 3 frequency. It's occasional. It depends. If there's
 4 something of particular interest that I want to
 5 follow-up on, or if it comes up in a discussion with
 6 regulators, or if there's some other issue that draws
 7 my attention, then it might be a couple of days in a
 8 row, or several days in a row, or it might be a
 9 couple of weeks in a row, or it might be a couple of
 10 months in a row.
 11 BY MR. ANDERSON:
 12 Q. Is there any way we could figure out
 13 how often you're looking at these monitoring reports
 14 relating to Unocal 5376?
 15 MS. O'REILLY: I'm going to object. It
 16 exceeds the scope of the notice.
 17 Go ahead.
 18 THE WITNESS: I don't know if you're able to
 19 figure that out or not.
 20 BY MR. ANDERSON:
 21 Q. Do you know of any way in which we
 22 could figure it out?
 23 MS. O'REILLY: Asked and answered. Exceeds
 24 the scope of the notice.
 25 THE WITNESS: No.

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1 BY MR. ANDERSON:
 2 Q. Since the last deposition related to
 3 Unocal 5376, what has the District done in terms of
 4 this station generally?
 5 MS. O'REILLY: Vague. Ambiguous.
 6 Overbroad.
 7 THE WITNESS: Generally, we have monitored
 8 analytical results, that is, chemical results from
 9 production wells; and we have looked at the status of
 10 contamination in some of the site-specific monitoring
 11 wells that comes in the Quarterly Monitoring Reports;
 12 we have looked at some correspondence associated with
 13 the -- with the site from and to the regulatory
 14 community; we have looked at this site and considered
 15 it for upcoming groundwater investigation with our
 16 consultant.
 17 BY MR. ANDERSON:
 18 Q. Anything else?
 19 A. In general terms, I think that covers
 20 everything.
 21 Q. And the data that you mentioned is
 22 coming from the Orange County Water District
 23 production and monitoring wells, as well as the
 24 consultant site-specific wells; is that right?
 25 A. Yes. That's what I said.

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1 Q. Any other data?
 2 A. I can't think of any.
 3 Oh, sorry.
 4 Q. And before I move on, let me -- I
 5 know you brought your notes from the last deposition
 6 here today, correct?
 7 A. Some of my notes. Not all of them.
 8 Q. And you have also brought the
 9 regulatory correspondence, the recent regulatory
 10 correspondence you reviewed in preparation for your
 11 deposition, correct?
 12 A. Yes.
 13 Q. As well as a map of the -- what looks
 14 to be the monitoring wells at this site; is that
 15 correct?
 16 A. Yes.
 17 Q. Is that also a plume map that you
 18 have in front of you?
 19 A. Yes.
 20 Q. Related to Plume 1?
 21 A. Yes, it is. This is the same plume
 22 map that I had in the 2008 deposition.
 23 Q. Have you created any additional notes
 24 related to this site since your last deposition?
 25 A. I thought you had asked me that. The

Page 688

1 answer is, no, no additional summary notes. But I
 2 have written on the latest groundwater quality
 3 monitoring report in preparation for this deposition.
 4 Q. Okay. Let me hand you what's
 5 previously been marked as Exhibit 2. This does not
 6 have all of the exhibits, but this is your
 7 supplemental declaration.
 8 A. Would you care to mark this?
 9 Q. It was previously marked. I was just
 10 going to -- is that --
 11 A. I will take your word for it, that is
 12 Exhibit 2.
 13 Q. Do you want me to write on it just so
 14 you can keep track of it?
 15 A. If you don't mind. If we're going to
 16 come back to it, that would be helpful.
 17 Q. Yes. Definitely.
 18 A. Thank you.
 19 Q. Sure.
 20 A. Huh-huh.
 21 Q. Can I get you to turn to paragraph
 22 21, which is on page 9.
 23 A. Yes.
 24 Q. And that deals with Unocal 5376,
 25 correct, that paragraph?

6 (Pages 685 to 688)

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1 THE WITNESS: I can't tell you exactly where
2 it is. Again, it may be within the reaches of a
3 potential remediation system at the site. But since
4 there is no additional investigation, no -- doesn't
5 seem to be any apparent plan to try and delineate the
6 contamination, I think it is in the process of
7 escaping the site.

8 MR. ANDERSON: Do you mind if I take a look
9 at your document right there real quick?
10 (Witness handing document to Counsel.)
11 MR. ANDERSON: Thank you.

12 Q. You also mentioned spikes in BTEX,
13 correct?
14 A. No, I don't think I did say spikes in
15 BTEX.

16 Q. Okay. You mentioned several spikes
17 at various compounds, like benzene in this report; do
18 you recall that?
19 A. There are benzene compounds but not
20 benzene per se.

21 Q. Got you. Do you know whether or not
22 those compounds are still constituents of gasoline
23 today?
24 A. No, I don't.

25 Q. In the original question was evidence

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1 since June 2008 that MTBE has escaped remediation.
2 And I think that you said that the evidence you were
3 just talking about, in terms of spikes, was actually
4 evidence that you had seen that there is actually a
5 new release since June 2008; is that correct?
6 MS. O'REILLY: Vague.

7 MR. ANDERSON: I just want to make sure I'm
8 on the same page with you.

9 MS. O'REILLY: Vague. Ambiguous. Misstates
10 testimony.

11 Go ahead, David.

12 THE WITNESS: The spikes indicate a -- to me
13 indicate a release. I don't know when the release
14 occurred.

15 BY MR. ANDERSON:

16 Q. You understand that MTBE has not been
17 in gasoline since 2003, correct?
18 A. That's right. No, your original
19 question asked me about MTBE. My response said that
20 it wasn't -- the spikes were not in MTBE. That's not
21 what I was referring to.

22 It was one spike in TBA. The other spikes
23 were associated with gasoline compounds, not MTBE.
24 So I was talking about a release of contamination and
25 not necessarily MTBE.

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1 Q. Understood. So these additional
2 spikes that you've identified do not indicate a new
3 release of MTBE, correct?
4 A. Not that I'm aware of.

5 Q. Has OCWD told the Orange County
6 Health Care Agency that they think there's been a
7 recent release of gasoline?
8 MS. O'REILLY: Vague. Ambiguous.

9 THE WITNESS: Not -- I don't believe we have
10 said that since 2008.

11 BY MR. ANDERSON:

12 Q. Since 2008, have you told Chevron
13 that you think there's been a new release of
14 gasoline?
15 A. Yes.

16 Q. Other than just five minutes ago,
17 have you told Chevron that -- has the District told
18 Chevron that they think there's been a release of
19 gasoline at this site?
20 A. No.

21 Q. And has the District told any other
22 regulators since 2008, since June 2008, that they
23 think there's been a release at Unocal 5376?
24 A. I don't recall seeing that.

25 Q. Do you know what type of remediation

Page 700

1 is currently occurring at this site?
2 A. I have to check my notes on that.

3 Q. Sure.

4 A. I don't believe there are any active
5 remedial efforts going on at the site right now.

6 Q. What do you mean by "active remedial
7 efforts"?
8 A. Well, I'm reading from AECOM's
9 report, again, the quarterly Groundwater Monitoring
10 Report Third Quarter 2009. This was the latest
11 report that was available. If there's new
12 information, then I'm not aware of it. The report is
13 dated October 21st, 2009.

14 But in that report on page -- they don't
15 appear to have their pages numbered, but it looks
16 like it would be page 5, including the cover letter.

17 Under item 7 it starts, "Describe corrective
18 and remedial techniques to be implemented," so on and
19 so forth. And the response here is that, "No active
20 remediation techniques are scheduled, based on
21 current site conditions."

22 Q. Do you have an understanding of what
23 "active remediation techniques" mean?
24 A. I believe I do.

25 Q. What is it?

<p style="text-align: right;">Page 709</p> <p>1 nearby development. 2 Do you see that? 3 A. Yes, I do. 4 Q. Does the District disagree with 5 OCW -- excuse me, OCHCA's determination that soil 6 vapor sampling is not required at this site at this 7 time? 8 MS. O'REILLY: Lacks foundation. Calls for 9 speculation. Calls for expert opinion. There's no 10 information concerning the soil vapor survey or the 11 purpose of the reason why Orange County Health Care 12 did not require it. Vague. Ambiguous. Overbroad. 13 And exceeds the scope of the notice. 14 THE WITNESS: Would you repeat the question 15 one more time, please. 16 (Record read as follows: QUESTION: Does 17 the District agree [sic] with OCHCA's determination 18 that soil vapor sampling is not required at this site 19 at this time?) 20 MR. ANDERSON: That wasn't correct. It was 21 actually "Does the District disagree...." 22 THE REPORTER: Do you want to repeat it, 23 then. 24 BY MR. ANDERSON: 25 Q. Does the District disagree with</p>	<p style="text-align: right;">Page 711</p> <p>1 You haven't given him a copy of the survey 2 or any other correspondence. 3 Go ahead. 4 THE WITNESS: It tells me that whatever 5 their basis is, it is somewhat -- somehow connected 6 to the proximity of nearby development greater than 7 100 feet. But that doesn't tell me why they decided 8 the soil vapor survey's not required at this time. 9 BY MR. ANDERSON: 10 Q. Has the District had any 11 communications with the Orange County Health Care 12 Agency regarding the soil vapor -- or potential soil 13 vapor sampling at this site? 14 A. No. 15 Q. <u>Has the District had any contact with</u> 16 <u>OCHCA since June 2008 relating to this station, that</u> 17 <u>you know of?</u> 18 A. I can't be certain, but I don't 19 recall -- let me think. I don't recall any for 20 certain. 21 Q. <u>Do you recall any contact with DHS</u> 22 <u>since June 2008 related to this station?</u> 23 A. No. 24 Q. <u>Any contact with the Regional Board</u> 25 <u>since June 2008 related to this station?</u></p>
<p style="text-align: right;">Page 710</p> <p>1 OCHCA's determination that soil vapor sampling is not 2 required at this site at this time? 3 MS. O'REILLY: Same objections. 4 THE WITNESS: I don't have an opinion either 5 way. I'm not sure why the Health Care Agency decided 6 it wasn't required at this time. They don't comment 7 on whether it's required or encouraged, and they 8 don't comment on why they made that decision at this 9 time. So I don't have an opinion. 10 BY MR. ANDERSON: 11 Q. Well, it says it's not going to be 12 required at this time based on the current site use 13 and proximity of nearby development, correct? 14 A. It does, but I don't -- 15 MS. O'REILLY: The document speaks for 16 itself. 17 THE WITNESS: I am sorry. 18 MS. O'REILLY: Go ahead. 19 THE WITNESS: I don't know what that means. 20 BY MR. ANDERSON: 21 Q. That doesn't indicate to you what 22 OCHCA's reason was for not requiring the soil vapor 23 sampling? 24 MS. O'REILLY: Vague. Ambiguous. 25 Overbroad. Calls for speculation. Lacks foundation.</p>	<p style="text-align: right;">Page 712</p> <p>1 A. No, I don't think so. 2 MR. ANDERSON: I will mark Exhibit 50. 3 (Exhibit No. 50 was marked.) 4 BY MR. ANDERSON: 5 Q. Exhibit 50 is a Hargis + Associates 6 Inc. Site Summary for Unocal 5376. 7 Have you seen this document before? 8 A. Yes. 9 Q. I believe that certain Hargis + 10 Associates Site Summaries contain a date in the lower 11 left-hand corner. This one does not contain such a 12 date. 13 Do you know -- do you recall when you -- 14 approximately when you first saw this? 15 A. No, I don't. 16 Q. Do you know if it was in the February 17 2009 time frame, when you saw the other Hargis 18 reports? 19 A. Let me make sure I understood your 20 question. 21 You're asking me when I saw other Hargis 22 reports. 23 Q. No. My understanding from prior 24 depositions is you saw a first round of Hargis 25 reports in February 2009. And I was wondering if</p>

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1 that refreshed your recollection that this is about
 2 the same time that you saw this one?
 3 A. No, it does not.
 4 Q. Do you know when Hargis prepared this
 5 report?
 6 A. No, I don't.
 7 Q. On page 24 -- 404248. It has a
 8 history of releases. Do you see that?
 9 A. There is a box at the top of the page
 10 titled, "Releases."
 11 Q. And what do you understand that box
 12 to contain?
 13 A. They are a list of dates. It appears
 14 to be a list of dates at the time that releases were
 15 detected. It looks like gasoline releases.
 16 Q. Do you see any gasoline releases
 17 listed in that box after May 2000?
 18 A. No.
 19 Q. Did you talk with Hargis about this
 20 report when you received it?
 21 A. I don't recall specifically. I would
 22 say probably, but I can't recall anything specific.
 23 Q. Do you recall speaking with any other
 24 regulators about this report?
 25 MS. O'REILLY: Asked and answered.

Page 714

1 THE WITNESS: No, not about this report.
 2 BY MR. ANDERSON:
 3 Q. Do you recall any internal
 4 discussions at the District about this particular
 5 report?
 6 A. No, I don't.
 7 Q. On page 11 of the report. Are you
 8 there?
 9 A. Huh-huh.
 10 Q. There's a -- it says, "Pathway
 11 analysis." Do you see that?
 12 A. At the heading of the page, yes.
 13 Q. Since OCWD has received this report,
 14 has it done anything to investigate the potential
 15 pathways related to the MTBE contamination at this
 16 site?
 17 MS. O'REILLY: Vague. Ambiguous.
 18 Overbroad. Calls for expert opinion. Exceeds the
 19 scope of the notice.
 20 THE WITNESS: District staff and District's
 21 consultant have not conducted detailed or specific
 22 pathway analysis of this site. Any additional
 23 discussion or work on the pathway analysis for this
 24 site, I believe, is protected by the attorney-client
 25 privilege.

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1 BY MR. ANDERSON:
 2 Q. Okay. Does the District currently --
 3 scratch that question.
 4 What type of cost has OCWD incurred since
 5 June 2008 related to this site?
 6 MS. O'REILLY: Vague. Ambiguous.
 7 Overbroad. Exceeds the scope of the notice. I
 8 believe this deposition notice is focused on cost.
 9 That deposition was already done with Mr. Herndon.
 10 Go ahead.
 11 BY MR. ANDERSON:
 12 Q. And if I can just be clear for the
 13 record. I know in the past depositions you've
 14 testified to this, and I know that there's been a lot
 15 of back and forth about you not knowing specific --
 16 the specific costs incurred.
 17 So in the past depositions there would be
 18 kind of an agreement that you would talk about the
 19 general types of costs. And that was my question.
 20 So with that framing the question, I will ask this
 21 question again.
 22 What type of -- what type or types of costs
 23 has OCWD incurred since June 2008 related to this
 24 site?
 25 A. The cost --

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1 MS. O'REILLY: Same objections.
 2 THE WITNESS: The costs associated with this
 3 site are substantially the same as the costs
 4 associated with the other sites. In general terms,
 5 District staff's labor in evaluating this site and
 6 data associated with this site and the general
 7 proximity to this site, this plume, Plume 1. Also
 8 consultant's time in evaluating various sites in
 9 anticipation or at the request of the District for
 10 this next round of investigation.
 11 BY MR. ANDERSON:
 12 Q. And the only consultant's time you're
 13 referring to is Hargis; is that correct?
 14 A. Yes.
 15 Q. And if I understand your prior
 16 testimony correctly, just to speed things along here,
 17 the District has not specifically segregated its
 18 staff time and data collection time to any particular
 19 site in the plume; is that correct?
 20 A. That's correct.
 21 Q. And the same thing with the
 22 consultant time, it's not specifically allotted to
 23 one of the stations?
 24 A. That's correct.
 25 Q. Okay. The District hasn't incurred

13 (Pages 713 to 716)

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Page 717

1 any additional Komex cost attributable to the site
 2 since June 2008?
 3 A. No.
 4 Q. The same for H2O, Komex H2O, there's a
 5 slight difference, no additional cost?
 6 A. No.
 7 Q. Any Friedman & Bruya costs
 8 attributable to this site since 2008?
 9 A. Since 2008. No.
 10 Q. And do you know whether or not
 11 there's been any expenditures out of the toxic
 12 reserve fund related to this site since June 2008?
 13 A. I think there has. This question has
 14 been asked of me before. And my understanding of the
 15 District's accounting, which funds or accounts it
 16 pays for its services and the staff's time, is not
 17 entirely clear to me. I think it has been, but I --
 18 I don't know for sure.
 19 Q. Do you know if any expenditures
 20 related to this site have been approved by the Orange
 21 County Water District Board of Directors to deal with
 22 the contamination at this site?
 23 A. I'm not sure about your question. If
 24 you're asking me whether expenditures were approved
 25 by the District with this site in mind, specific to

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1 this site, the answer is, no, because we don't
 2 prevent -- we don't present site specifics to the
 3 Board. That's beyond their information. It's beyond
 4 their involvement.
 5 However, they do recognize the District is
 6 working on a variety of sites, and the choice of
 7 those sites and the expenditures of funds on one site
 8 versus another is left to the staff.
 9 So if you're asking me did the Board of
 10 Directors approve expenditures that happen to include
 11 this site, yes.
 12 Q. And what expenditures would that be,
 13 if you know?
 14 MS. O'REILLY: Asked and answered.
 15 Go ahead.
 16 THE WITNESS: Actually, the expenditures
 17 themselves, I believe, were covered in Mr. Herndon's
 18 testimony.
 19 BY MR. ANDERSON:
 20 Q. I just wanted to make sure we're on
 21 the same page. Are the only expenditures you're
 22 referring to are Hargis expenditures that the Board
 23 has approved, where this site could be included in
 24 the overall scope of work that Hargis is doing?
 25 A. No.

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1 Q. What else?
 2 A. There's staff time and -- there is
 3 additional testing that -- that we're doing, not
 4 specific to the site so much as associated with the
 5 plume. We are going to be doing some additional --
 6 our water quality staff, for example, does routine
 7 sampling and testing, our laboratory does routine
 8 testing of those samples for wells throughout the
 9 basin.
 10 Q. And it would do that testing
 11 regardless of whether or not this site existed,
 12 correct?
 13 MS. O'REILLY: Vague. Ambiguous.
 14 Overbroad. Exceeds the scope of the notice. Lacks
 15 foundation. Calls for speculation.
 16 MR. ANDERSON: And let me back up.
 17 Q. The water quality staff would do its
 18 routine sampling and testing throughout the basin
 19 regardless of this site, correct?
 20 MS. O'REILLY: Same objections.
 21 THE WITNESS: Yes, it would.
 22 BY MR. ANDERSON:
 23 Q. Okay. What evidence does the
 24 District have that MTBE from this station has reached
 25 a production well since June 2008?

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1 A. If you're asking me is there any new
 2 evidence of the -- since 2008 that MTBE has reached a
 3 nearby production well, the answer is no.
 4 Q. Is there any new evidence that MTBE
 5 from this station threatens a production well since
 6 June 2008?
 7 MS. O'REILLY: Vague. Ambiguous.
 8 Overbroad.
 9 Go ahead.
 10 THE WITNESS: Not MTBE.
 11 BY MR. ANDERSON:
 12 Q. TBA?
 13 MS. O'REILLY: Same objections.
 14 THE WITNESS: I believe there is.
 15 BY MR. ANDERSON:
 16 Q. Is that what we were talking about
 17 earlier, that one spike in TBA you had noted?
 18 A. Yes.
 19 Q. TAME?
 20 MS. O'REILLY: Same objections.
 21 THE WITNESS: If you don't mind, I will have
 22 to check my notes on that.
 23 MR. ANDERSON: Sure.
 24 (Witness reviewing document.)
 25 THE WITNESS: I don't have any new evidence

14 (Pages 717 to 720)

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1 Q. Despite all my paper, I don't know
2 that I have a list of all the stations.
3 A. Yes. In -- I think I recall in Plume
4 9 there were -- and my problem is that the names kind
5 of run together. I'm having difficulty, without my
6 notes in front of me, remembering all the details
7 about one station versus another.
8 But I believe the stations identified
9 include, but are not limited to, Chevron 9-5401,
10 Huntington Beach ARCO, Thrifty 368. There's probably
11 several others. I just -- honestly, I just can't
12 recall.
13 Q. Any others in the other plumes, or do
14 you have -- I don't know what you're looking at right
15 there. Is that a plume list?
16 A. It is a plume list for the five
17 designated plumes that we're discussing today and
18 which stations are associated with which plumes.
19 Q. Okay. And other than those three you
20 mentioned, you just can't recall which other ones you
21 might have suggested?
22 A. I honestly just can't recall.
23 Q. Okay. I hand you what was previously
24 marked Exhibit 6 to, I believe, this deposition and
25 Exhibit 50 to Mr. Herndon's deposition.

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1 A. I recognize this.
2 Q. You have seen it before a few times,
3 huh?
4 A. A couple.
5 Q. This is an Investigation/Remediation
6 Activity Outline that was used in the 2008
7 depositions. Do you recall that?
8 A. Yes.
9 Q. I will just go through a few things
10 on here. Has the District performed any fate and
11 transport analysis related specifically to Unocal
12 5376?
13 A. The District's staff and the
14 District's consultant have not conducted fate and
15 transport analyses specific to this site. However, I
16 cannot discuss -- I can't discuss whether any other
17 entities have performed or are performing a fate and
18 transport analysis, because I believe it's covered by
19 the attorney-client privilege.
20 Q. Has the District or its -- similar
21 question, but for capture zone analysis. Has the
22 District performed any capture analysis related --
23 excuse me, related specifically to Unocal 5376,
24 putting aside any attorney-client privileged --
25 MS. O'REILLY: Since 2008?

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1 MR. ANDERSON: Yes. Since June 2008.
2 THE WITNESS: My answer is substantially the
3 same, with the exception of evaluating the -- the
4 ongoing remedial efforts at the site. It's more than
5 apparent to me.
6 It's obvious to me that current remedial
7 efforts at the site have nothing to do with
8 contaminant -- capturing or containing the
9 contamination.
10 BY MR. ANDERSON:
11 Q. Has the District itself performed any
12 active remediation at this site since June 2008?
13 MS. O'REILLY: At the station?
14 MR. ANDERSON: Right. At this station.
15 THE WITNESS: No. Well, I'm sorry.
16 All investigation or remedial effort
17 includes investigation. Investigation is part of the
18 remedial process. So, in general terms, the
19 District's ongoing investigation efforts are part of
20 an overall remediation program.
21 If you're asking me specifically if the
22 District has removed any molecules of contamination
23 at the site since 2008, the answer is no.
24 BY MR. ANDERSON:
25 Q. I think your answer to this is going

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1 to be the same as it's been to the other questions,
2 but I was a little bit confused in reading the
3 transcript. And this deals with nuisance and
4 trespass.
5 And when asked what does the District
6 contends creates a nuisance at this site, you were
7 referred to some interrogatory responses. Do you
8 recall that?
9 A. Yes.
10 Q. Were those the interrogatory
11 responses to the third through eighth set of
12 interrogatories; do you recall?
13 A. I recall a response. But what I
14 don't recall is which document amongst the mountain
15 of paperwork it is. I just don't remember which one.
16 Q. Okay. This has previously been
17 marked Exhibit 36. And I think this is it. I just
18 want -- I believe you testified that the description
19 began at page 27.
20 Does that look familiar to you?
21 A. It all looks familiar to me.
22 If you don't mind, if I may check my notes.
23 Q. Sure.
24 A. Let's see. Third, fourth, fifth,
25 sixth, seventh and eighth set of interrogatories. I

17 (Pages 729 to 732)

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1 MS. O'REILLY: Vague. Ambiguous.
 2 Overbroad. Misstates testimony.
 3 Go ahead.
 4 THE WITNESS: I think you've asked me that
 5 question, because what you just described are
 6 components of fate and transport analysis. And I
 7 already said that District staff and District's hired
 8 consultant has not completed fate and transport
 9 analysis since 2008.
 10 MS. O'REILLY: It's 5:59.
 11 MR. PARKER: I think I'm done.
 12 THE VIDEOGRAPHER: We are off the record at
 13 6:02 p.m. And this marks the end of this deposition.
 14 (The deposition was concluded on this day at
 15 6:02 p.m.)
 16 --o0o--

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REPORTER'S CERTIFICATE

1 I certify that the witness in the foregoing
 2 deposition.

3 DAVID P. BOLIN

4 was by me duly sworn to testify in the within-entitled
 5 cause; that said deposition was taken at the time and
 6 place therein named; pages 665 through 940 of the
 7 testimony of said witness were reported by me, a duly
 8 Certified Shorthand Reporter of the State of
 9 California authorized to administer oaths and
 10 affirmations, and said testimony was thereafter
 11 transcribed into typewriting.

12 I further certify that I am not of counsel or
 13 attorney for either or any of the parties to said
 14 deposition, nor in any way interested in the outcome
 15 of the cause named in said deposition.

16 IN WITNESS WHEREOF, I have hereunto set my hand
 17 this 29th day of August, 2010.

18 _____
 19 SANDRA BUNCH VANDER POL, RMR, CRR
 20 Certified Shorthand Reporter
 21 Certificate No. 3032

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 19 REASON: _____
 20
 21 REASON: _____
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 23 REASON: _____
 24
 25 REASON: _____

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ACKNOWLEDGMENT OF DEPONENT

1 I, _____, do
 2 hereby certify that I have read the
 3 foregoing pages, and that the same
 4 is a correct transcription of the answers
 5 given by me to the questions therein
 6 propounded, except for the corrections or
 7 changes in form or substance, if any,
 8 noted in the attached Errata Sheet.

9 DAVID P. BOLIN DATE _____
 10
 11
 12
 13
 14

15 Subscribed and sworn
 16 to before me this _____ day of _____, 20____.

17 My commission expires: _____
 18
 19
 20
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 24
 25

Notary Public

70 (Pages 941 to 944)

Confidential - Per 2004 MDL 1358 Order

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether :
("MTBE") : Master File
Products Liability Litigation : No. 1:00-1898
: MDL No. 1358 (SAS)
: M21-88
:
This document relates to the :
following case: :
:
Orange County Water District v. :
Unocal Corp., et al., 04 Civ. 4968 : VOLUME V
(SAS) :
: Pages 945 - 1207

CONFIDENTIAL - (PER 2004 MDL 1358 ORDER)

- - - - -
AUGUST 26, 2010
- - - - -

Videotaped Deposition of DAVID P. BOLIN,
Volume V, Orange County Water District's 30(b)(6)
designee in re Site Specific Station Investigations,
held at 650 Town Center Drive, 4th Floor, Costa Mesa,
California, commencing at 9:04 a.m., on the above date,
before Kimberly S. Thrall, a Registered Professional
Reporter and Certified Shorthand Reporter.

Golkow Technologies, Inc.
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deps@golkow.com